

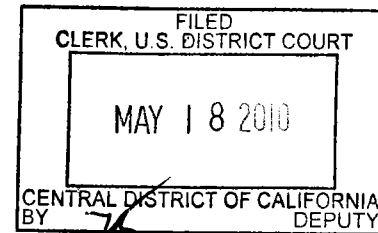
JS-6

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12 Attorney for Defendants
 13 Popular Processing, Inc. d/b/a
 14 Popularprocessing.net and
 Richard Huichapa d/b/a
 Popular Processing a/k/a
 Popularprocessing.net



16 UNITED STATES DISTRICT COURT
 17 CENTRAL DISTRICT OF CALIFORNIA

18 POPULAR, INC.,
 19
 20 Plaintiff,

21 v.

22 POPULAR PROCESSING, INC. D/B/A
 23 POPULARPROCESSING.NET;
 24 RICHARD HUICHAPA D/B/A
 25 POPULAR PROCESSING A/K/A
 POPULARPROCESSING.NET; SEAN
 DIAZ D/B/A POPULAR PROCESSING
 A/K/A POPULARPROCESSING.NET;
 and Does 1-10, inclusive,
 26 Defendants.

Case No. CV 10-1160 PA (Ex)

[PROPOSED] PERMANENT
 INJUNCTION AND FINAL ORDER

NOTE CHANGES MADE BY THE COURT.

1 Upon consideration of the Settlement Agreement and Consent to Permanent
2 Injunction, and this Court being fully award of the premises, the Court makes the
3 following findings of fact and conclusions of law:

4 1. This Court has jurisdiction over the Plaintiff, Popular, Inc., (hereinafter
5 "Popular") and Defendants Popular Processing, Inc. d/b/a popularprocessing.net and
6 Richard Huichapa d/b/a Popular Processing a/k/a popularprocessing.net (hereinafter
7 collectively referred to as "Defendants"), and the Subject Matter of this action.

8 2. The Defendants have stipulated that Popular is the owner of the
9 distinctive trademarks indexed as Exhibit "A" hereto and hereinafter referred to as
10 the "Popular Trademarks". The registrations are valid and subsisting and are
11 conclusive proof of Popular's rights to the marks noted.

12 3. Defendants stipulate and agree to entry of a Permanent Injunction
13 forever enjoining Defendants from the sale, offer for sale, advertising, promotion,
14 marketing, or distribution of any payment processing or other banking services, in
15 conjunction with or bearing unauthorized simulations, reproductions, counterfeits,
16 copies, or colorable imitations of any of the Popular Trademarks or bearing a design
17 or image which is of a substantially similar appearance to any of the Popular
18 Trademarks.

19 In view of the foregoing:

20
21 IT IS ORDERED AND ADJUDGED that a Permanent Injunction is entered as
22 to Defendants, pursuant to Fed. R. Civ. P. 65, enjoining Popular Processing, Inc.
23 d/b/a popularprocessing.net and Richard Huichapa d/b/a Popular Processing a/k/a
24 popularprocessing.net, their agents, servants, employees, and attorneys, and those
25 persons in active concert or participation with them who receive actual notice of this
26 Order by personal service or otherwise:

1 A. From further infringing the Popular Trademarks by selling,
2 marketing, offering for sale, advertising, promoting, or displaying any payment
3 processing services or other banking services not authorized by Popular in
4 conjunction with or bearing any simulation, reproduction, counterfeit, copy, or
5 colorable imitation of the Popular Trademarks including, but not limited to, utilizing
6 any business cards, written or visual advertisements, signs, drawings, World Wide
7 Web pages, pamphlets, flyers, or related visual work which bear any of the Popular
8 Trademarks;

9 B. Using any simulation, reproduction, counterfeit, copy, or colorable
10 imitation of any of the Popular Trademarks in connection with the promotion,
11 advertisement, display, sale, or offering for sale of any payment processing services
12 or other banking services in such fashion as to relate or connect, or tend to relate or
13 connect, such services in any way to Popular, or to any goods or services sold,
14 manufactured, sponsored, or approved by Popular;

15 C. Engaging in any other activity constituting unfair competition with
16 Popular, or constituting an infringement of any of the Popular Trademarks or of
17 Popular's rights in, or to use or to exploit, said Popular Trademarks, or constituting
18 any dilution of any of Popular's names, reputations, or goodwill;

19 D. Effecting assignment or transfers, forming new entities or
20 associations or for the purpose of circumventing or otherwise avoiding the
21 prohibitions set forth in subparagraphs A through D.

22 It is further ORDERED AND ADJUDGED,
23

24 That this Court shall retain jurisdiction of this action for purposes of enforcing
25 the ~~Settlement Agreement as well as the~~ provisions of the Permanent Injunction and
26 Final Order by way of contempt or otherwise. Defendants agree not to contest the
27 validity of any of the Popular Trademarks in any such proceedings.
28

1 It is further ORDERED AND ADJUDGED,

2 That the parties waive appeal of this Permanent Injunction and Final Order.

3 It is further ORDERED AND ADJUDGED,

4 That this Permanent Injunction and Final Order shall operate as a final
5 judgment as to Defendants.

6 It is further ORDERED AND ADJUDGED,

7 That each party to this Permanent Injunction and Final Order shall bear its
8 own attorneys' fees and costs of this action.

9 IT IS SO ORDERED.

10 Dated: 5/18/10

11 
12 Hon. Percy Anderson
13 United States District Judge

14 PRESENTED BY:

15 J. Andrew Coombs, A Prof. Corp.

16 By: /s/ Annie S. Wang

17 J. Andrew Coombs
18 Annie S. Wang
19 Attorneys for Plaintiff Popular, Inc.

20 One LLP


21 
22 By: Peter R. Afrasiabi
23 Attorney for Defendants Popular
24 Processing, Inc. d/b/a Popularprocessing.net
25 and Richard Huichapa d/b/a Popular
26 Processing a/k/a Popularprocessing.net

EXHIBIT "A"

Exhibit A

Serial #	Registration #	Mark	Class	Reg. Date
77425831	3,686,917	U-DESIGN	36	September 22, 2009
75555182	3,668,031	BPPR POPULAR	36	August 18, 2009
77460445	3,520,531	MYSTIQUE	36	October 21, 2008
77233381	3,394,707	WE (HEART) DREAMS	36	March 11, 2008
77158427	3,361,874	T-PAGA	35	January 1, 2008
77168715	3,351,838	B-SMART	36	December 11, 2007
77140971	3,351,576	GOFREE	36	December 11, 2007
78962635	3,340,006	POPULAR.COM	36	November 20, 2007
77164870	3,339,182	T PAGA	35	November 20, 2007
79021302	3,272,551	P	36	July 31, 2007
78811831	3,270,245	EVERPAY	36	July 24, 2007
78944867	3,251,636	IDEAL	36	June 12, 2007
78518189	3,161,609	EVERTEX	36	October 24, 2006
78378270	3,078,547	EVERTEC	36	April 11, 2006
78513780	3,076,052	POPULAR AUTO	36	April 4, 2006
78546463	3,062,961	POPULOSO SAVINGS	36	February 28, 2006
78514480	3,041,067	POPULAR L/C ONLINE	36	January 10, 2006
78536587	3,035,693	BORROW BETTER	36	December 27, 2005
78150364	2,991,584	POPULAR	36	September 6, 2005
78363840	2,962,409	TICKETPOP	41	June 14, 2005
78226709	2,924,234	PRIVATE RESOURCE	36	February 1, 2005
78226228	2,883,237	AQUI TE PRESTAMOS	36	September 7, 2004
78246309	2,883,294	ID POPULAR	36	September 7, 2004
76546756	2,876,870	POPULAR CHECK PROTECT	36	August 24, 2004
78112888	2,858,774	POPULAR E-CHECK	36	June 29, 2004
76315073	2,816,082	PREMIA	36	February 24, 2004
78115489	2,811,720	AHORA TU BANCO TE PREMIA	36	February 3, 2004
78165470	2,799,384	POPULAR ROTH IRA	36	December 23, 2003
78124307	2,681,406	EASY ACCESS MONEY MARKET	36	January 28, 2003
75830241	2,643,468	POPULAR POINTS	36	October 29, 2002
75835076	2,625,665	POPULAR INSURANCE	36	September 24, 2002
78010096	2,592,966	POPULAR SAVINGS	36	July 9, 2002
78010093	2,592,965	POPULAR INTEREST	36	July 9, 2002
75875238	2,592,330	TELENOMINA POPULAR	36	July 9, 2002
75875240	2,586,022	TELEPAGO POPULAR	36	June 25, 2002
75840318	2,579,517	POPULAR NET	36	June 11, 2002
76065253	2,566,700	POPULAR CHECKING	36	May 7, 2002
78010094	2,564,662	POPULAR INVESTOR	36	April 23, 2002
		BPPR POPULAR ASSET		
75887157	2,533,443	MANAGEMENT	36	January 29, 2002
76004318	2,524,258	AHORRO A TODA HORA	36	January 1, 2002
75785181	2,507,800	BPPR POPULAR INSURANCE	36	November 13, 2001

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Exhibit A

75770245	2,507,770	POPULAR STREET	36	November 13, 2001
75887150	2,486,962	TELEPRESTAMO POPULAR	36	September 11, 2001
76004316	2,477,662	CUENTA POPULAR	36	August 14, 2001
76004313	2,475,459	ATH POP	36	August 7, 2001
76004315	2,467,524	MULTICUENTA POPULAR	36	July 10, 2001
76004317	2,467,525	FLEXICUENTA	36	July 10, 2001
76004314	2,467,523	FLEXICUENTA DE NEGOCIOS	36	July 10, 2001
75887151	2,465,322	TELEBANCO POPULAR	36	July 3, 2001
75887156	2,442,402	BPPR POPULAR SECURITIES	36	April 10, 2001
75789464	2,405,873	BPPR POPULAR FINANCE	36	November 21, 2000
75797478	2,372,878	ATH	36	August 1, 2000
75470098	2,310,619	ENVIA ATH A TODA HORA	36	January 25, 2000
74462335	1,882,478	BANCO POPULAR	36	December 13, 1994
74057180	1,816,122	POPULAR PLUS	36	January 11, 1994
74257381	1,790,661	ATH A TODA HORA	36	August 31, 1993
73802032	1,610,074	EXPRESO POPULAR	36	August 14, 1990
73005662	1,008,477	BPPR	36	April 8, 1975